

**BERANBAUM MENKEN BEN-ASHER & BIERMAN LLP**

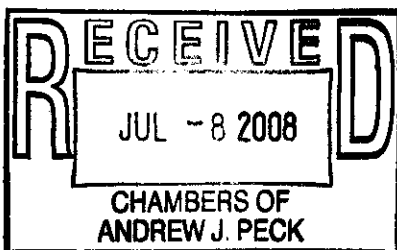
80 PINE STREET, 32ND FLOOR

NEW YORK, NEW YORK 10005

TELEPHONE: (212) 509-1616

FACSIMILE: (212) 509-8088

WWW.BMBBLAW.COM

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DOCUMENT  
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DATE FILED: 7/16/08JONATHAN BEN-ASHER  
JOHN A. BERANBAUM °  
MARK H. BIERMAN  
BRUCE E. MENKEN  
JASON J. ROZGER ^KRISTEN E. FINLON  
NICOLE GRUNFELD  
JENNIFER L. SMITH\*STEPHEN H. PALITZ  
OF COUNSEL° ALSO ADMITTED NJ, PA  
^ ALSO ADMITTED NJ  
\* ALSO ADMITTED TX

July 8, 2008

**BY FAX**Honorable Andrew J. Peck  
U.S. Courthouse  
Room 1370  
500 Pearl Street  
New York, NY 10007**MEMO ENDORSED** / 2Re: Anderson v. State of New York et al  
07 Civ. 9599 (SA) (AJP)

Dear Judge Peck:

This law firm represents the plaintiff, Christine C. Anderson, in the above matter. The parties jointly request that the deadline for the completion of fact discovery in this matter be extended from August 11 to September 19, 2008. We make this request, not for any lack of diligence by the parties in conducting discovery, but because the number of depositions noticed to date make the August 11 deadline impractical.

Between July 11 and August 11, the parties have so far scheduled eleven depositions. In addition, another deposition, of the former Clerk of Court, Catherine O'Hagen Wolfe, has been noticed, but due to the witness' and opposing counsel's schedules, no date is available. Defendant also has noticed the deposition of one of Ms. Anderson's doctors, but we have been unable to set its date. As a further point, counsel for the defendants have long scheduled and pre-paid vacation plans the weeks of August 4 and August 11.

As Your Honor knows, my firm has been recently retained in this matter. I have done all I can to get up to speed in the case, including trying to absorb thousands of pages of documents exchanged by the parties in order to prepare for depositions. I am concerned that the crush of depositions that the parties have had to schedule in order to meet the discovery deadline will

Honorable Andrew J. Peck

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have a negative impact on the thoroughness of discovery and, ultimately, the administration of justice. The extension that the parties have requested is relatively small and will not affect the final discovery deadline or the timely resolution of this matter.

Thank you for your attention to this matter.

Respectfully submitted,



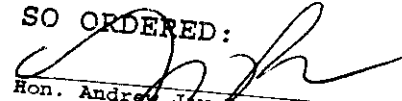
John A. Beranbaum

cc: Wesley E. Bauman, Esq. (By fax)  
Lee. A. Alderman, Esq. (By fax)

MEMO ENDORSED 7/16/08

Below of part done with 7/17  
is APPROVED by the Hon. Andrew J. Peck (the  
judge) under and signed. But the extension  
is arbitrary.

SO ORDERED:

  
Hon. Andrew Jay Peck  
United States Magistrate Judge

W. E. Bauman  
L. A. Alderman  
BY FAX

# FAX TRANSMITTAL SHEET



**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
Telephone No.: (212) 805-0036

**Dated:** July 16, 2008

**Total Number of Pages:** 3

TO	FAX NUMBER
John A. Beranbaum, Esq.	212-509-8088
Tembani Selepi Xaba, Esq.	212-222-2074
Lee A. Adlerstein, Esq.	212-416-6009
Wesley E. Bauman, Esq.	212-416-6075

## **TRANSCRIPTION:**

**MEMO ENDORSED 7/16/08**

**Extension of fact discovery cutoff to 9/19 is APPROVED. All other deadlines (inc. re experts) remain unchanged. Further extensions are unlikely.**

**Copy to: Judge Shira A. Scheindlin**